

# EXHIBIT D

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB,  
BLERTA VIKKI, DANIELLE OWIMRIN, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

-against-

SCORES HOLDING COMPANY, INC.; GO  
WEST ENTERTAINMENT, INC. a/k/a SCORES  
WEST SIDE; and SCORES ENTERTAINMENT,  
INC., a/k/a SCORES EAST SIDE.

Defendants.

No. 07-8718 (RMB)

**DECLARATION OF CAROLYN  
SIEGEL**

I, Carolyn Siegel, declare, upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. Section 1746, that the following is true and correct:

1. I worked at Scores' West Side location from approximately May 1<sup>st</sup>, 2007 through approximately May 31<sup>st</sup>, 2007.
2. During my employment with Scores, I worked as a server.
3. Throughout my employment with Scores, I was paid less than the minimum wage. Upon information and belief, Scores paid me about \$4.60 per hour. I have attached copies of my pay stubs as Exhibit A.
4. In addition, Scores did not pay me any hourly wages for the time it required me to work "in training." I worked approximately 6-7 total hours over two days, shadowing another server at the start of my employment with Scores. I did not receive any compensation in wages or tips for this time.

5. Nobody at Scores ever informed me about a federal law regarding a tip credit at any time during my employment at Scores. Nobody at Scores ever told me that I would be paid less than the minimum wage because I would receive tips. Nobody at Scores ever told me that my tips would be used as a credit against the minimum wage that Scores was required to pay me. When I started working at Scores and during the entire course of my employment, nobody ever gave me or showed me a copy of any laws, rules, or regulations regarding the tip credit and minimum wages. While working at Scores, I never saw any posters, signs, or notices regarding any law, rule, or regulation regarding the tip credit or an employer's deductions from wages and tips.

6. Throughout my employment at Scores, I was not allowed to retain all of the tips that I received.

7. During my employment at Scores, I estimate that I received a portion of my tips in Diamond Dollars. Diamond Dollars are imitation currency in denominations of \$20.00 that customers can buy from Scores using their credit cards. I have attached a copy of a Diamond Dollar to this declaration as Exhibit B.

8. Many customers used Diamond Dollars to tip workers, including other servers like me, as well as cocktail servers, bartenders, and dancers.

9. I understood that, pursuant to company policy and practice, Scores deducted and retained a portion of tips whenever workers (including servers, cocktail servers, bartenders, and dancers) presented Scores with the Diamond Dollars they received as tips and asked to exchange them for cash.

10. Scores made it difficult for me to exchange Diamond Dollars for cash. It permitted us to cash-in our Diamond Dollars only during designated times and only

through designated personnel; however, no one ever told me when this window of time was.

11. When I tried to exchange my Diamond Dollars for cash after I stopped working at Scores, Scores refused to do so.

12. It is my understanding that Scores' policies and practices with respect to Diamond Dollars applied in the same manner to all workers who receive Diamond Dollars as tips, including all dancers, servers, cocktail servers, and bartenders.

13. When I started working at Scores, Christina, the girl who trained me, gave me a training manual with information about my job duties and some of Scores' employment policies.

14. Scores enforced a strict uniform policy, requiring all servers to wear a corset, a skirt or skort, stockings, and knee-length boots.

15. Scores did not permit me to wear "street clothes" to work.

16. Occasionally, Scores held theme nights and required servers, including me, to wear uniforms consistent with the theme. During my employment, Scores held an "American Beauties" promotion around Memorial Day, requiring servers to wear uniforms with red-white-and-blue coloring, army fatigue designs, or other patriotic-themed uniforms.

17. Scores never reimbursed me (or any other worker, to my knowledge) for the cost of purchasing, laundering, or maintaining uniforms.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
January 17, 2008

  
\_\_\_\_\_  
Carolyn Siegel

## **Exhibit A**

## GO WEST ENTERTAINMENT, INC.

\*\* Office Generated \*\*

1052

SIEGEL, CAROLYN J.

2177 200

041-74-2177 S 1 NY 1 1052 08-12-2007 08-29-2007

REGULAR 4,800 3,91

TIPS 17.99 9.97

SOCIAL SECURITY  
MEDICARE  
FMT  
SWT  
SDI  
LMT  
TIPS  
MR-1.73  
-0.41  
0.00  
0.00  
-0.14  
-9.97  
15.0046.97  
10.89  
42.20  
12.12  
1.84  
7.85  
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7490  
3554 4774

Replace OK # 1981

27.96

757.73

2.75

30.71

## GO WEST ENTERTAINMENT, INC.

\*\* Office Generated \*\*

SIEGEL, CAROLYN J.

2177 200

041-74-2177 S 1 NY 1 1053 08-12-2007 08-29-2007

REGULAR 4,800 27.95

TIPS 128.57 105.85  
CCTIP 375.40SOCIAL SECURITY  
MEDICARE  
FMT  
SWT  
SDI  
LMT  
TIPS  
MR-37.81  
-8.84  
-42.20  
-12.12  
-1.20  
-7.95  
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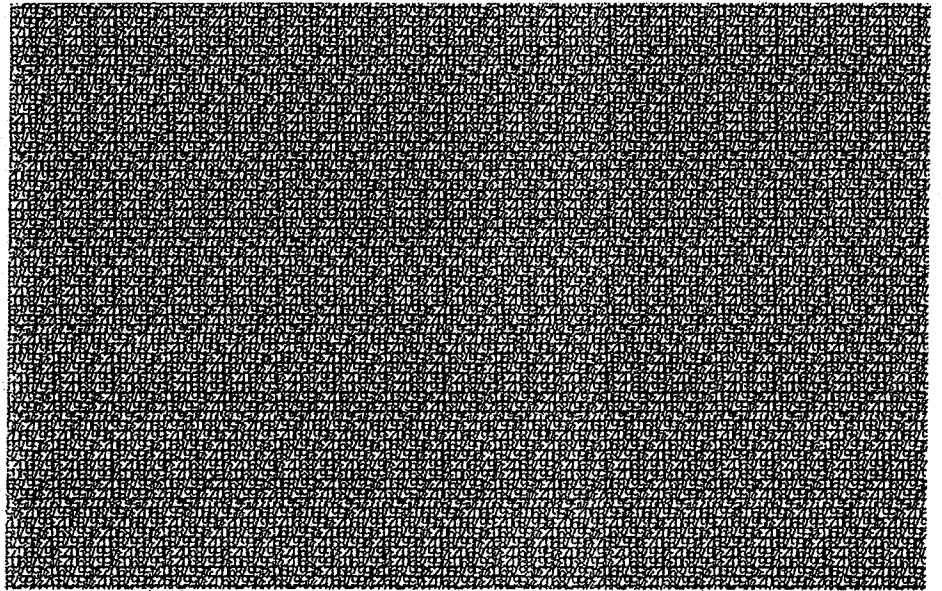
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1053

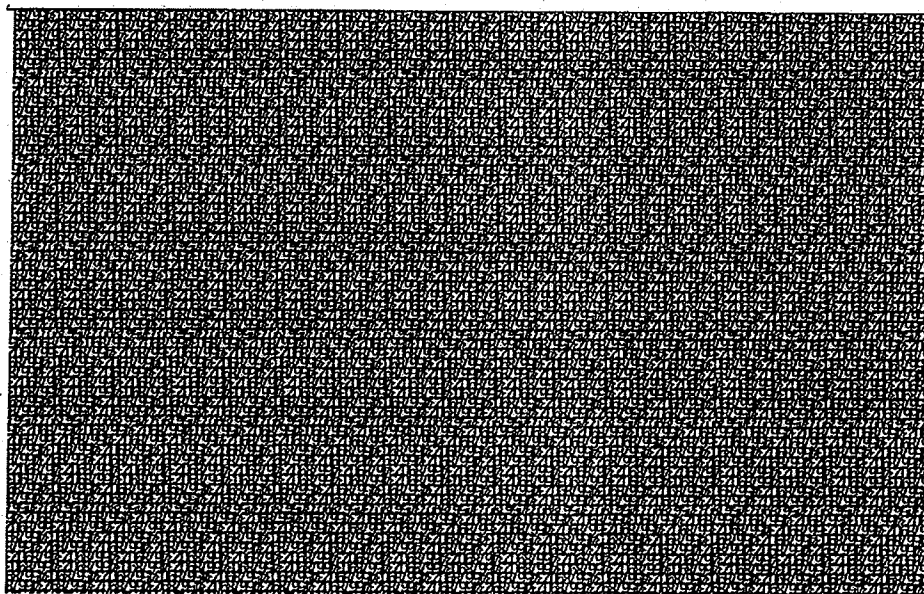
EMPLOYEE NAME		EMP. NO.	DEPT.	CLOCK #	CONTROL NUMBER	
SIEGEL, CAROLYN J.		2177	200		P-0531-163322/20276	GO WEST E
SS NUMBER	SWT EXEMP	SWT EXEMP	CHECK #	PERIOD END	CHECK DATE	
S-1	NY S-1	1930	05/20/07	06/01/07	DEDUCTIONS & REIMBURSEMENT	
EARNINGS					DESCRIPTION	CURRENT
DESCRIPTION	PAY RATE	HRS/UNITS	CURRENT	YEAR-TO-DATE		
REGULAR	4.600	27.95	128.57	160.31	SOCIAL SECURITY	37.81
TIPS			105.85	129.35	MEDICARE	8.84
CCTIP			375.40	412.15	FMT	42.20
					NEW YORK SWT	12.12
					NEW YORK SDI	1.20
					NY-NEW YORK CITY	7.95
					TIPS	105.85
TOTAL			609.82	701.81	TOTAL	-215.97
MESSAGE						





EMPLOYEE NAME		EMP NO	DEPT	CLOCK #	CONTROL NUMBER			
SIEGEL CAROLYN J		2177	200		P-0517-162052/20276		GO WEST EN	
REL NUMBER	SWT EXEMPT	SWT EXEMPT	CHECK #	PERIOD END	CHECK DATE	DEDUCTIONS & REIMBURSEMENT		
S-1		NY S-1	1874	05/06/07	05/18/07			
EARNINGS						DEDUCTIONS & REIMBURSEMENT		
DESCRIPTION	PAY RATE	HRS/UNITS	CURRENT	YEAR TO DATE	DESCRIPTION	CURRENT	YEAR	
REGULAR	4.600	6.90	31.74	31.74	SOCIAL SECURITY	5.70		
TIPS			23.50	23.50	MEDICARE	1.33		
CCTIP			36.75	36.75	NEW YORK SDI	0.46		
					TIPS	23.50		
TOTAL			91.99	91.99	TOTAL			-30.99
MESSAGE								

EMPLOYEE NAME		EMP NO	DEPT	CLOCK #	CONTROL NUMBER	
STIEGEL, CAROLYN J.		2177	200		P-0614-163201/20276	
U.S. NUMBER	FWT EXEMPT	SWT EXEMPT	CHECK #	PERIOD END	CHECK DATE	GO WEST F
S-1		NY S-1	1981	06/03/07	06/15/07	
EARNINGS					DEDUCTIONS & REIMBURSEMENT	
DESCRIPTION	PAY RATE	HRS/UNITS	CURRENT	YEAR TO DATE	DESCRIPTION	CURRENT
REGULAR	4.600	3.91	17.99	178.30	SOCIAL SECURITY	1.73
TIPS			9.97	139.32	MEDICARE	0.41
CCTIP				412.15	FWT	
					NEW YORK SWT	
					NEW YORK SDI	0.14
					NY-NEW YORK CITY	
					TIPS	9.97
TOTAL			27.96	729.77	TOTAL	
					-12.25	



PAYROLL BY  
**CompuPay**



EMPLOYEE NAME		EMP NO.	DEPT.	ROOM #	CONTROL NUMBER	EMPLOYEE NAME
STIEGL, CAROLYN J.		2177	200		P-0517-162052/20276	GO WEST ENTERTAINMENT, INC.
SS. NUMBER	PAY EXEMPT SVT EXEMPT	CHECK #	PERIOD END	CHECK DATE	DEDUCTIONS & REIMBURSEMENTS	
S-1	NY S-1	1874	05/06/07	05/18/07	MISCELLANEOUS	
EARNINGS						
DESCRIPTION	PAY RATE	HOURS	CURRENT	YEAR-TO-DATE	DESCRIPTION	CURRENT
REGULAR	4.600	6.90	31.74	31.74	SOCIAL SECURITY	5.70
TIPS			23.50	23.50	MEDICARE	1.33
CCTIP			36.75	36.75	NEW YORK SD 1	0.46
					TIPS	23.50
TOTAL				91.99	TOTAL	-30.99
					NET PAY	61.00

PAYROLL BY  
**CompuPay**

**Exhibit B**

